

WALPOLE ZONING BOARD OF APPEALS MINUTES OF APRIL 3, 2019

A meeting of the Walpole Zoning Board of Appeals was held on Wednesday, April 3, 2019 at 7:00 PM in the Richard Stillman Community Room at Walpole Police Department. The following members were present: John Lee, Chairman; Susanne Murphy, Vice Chairman; Bob Fitzgerald, Clerk; Mary Jane Coffey, Member; Rick Merrikin, Member; Drew Delaney, Associate Member.

Also present: John Charbonneau, Community Development; George Pucci, Town Counsel.

7:00 PM Lee opened the meeting

Rick Merrikin recused himself from Case No. 03-19

Case No. 03-19, Timothy Shields, 27 John Turco Drive, Special Permit Request:

Applicant Timothy Shields was present and submitted revised plans depicting the specific items that were discussed at the last meeting. There were no further questions or comments from the Board or the public. Murphy made a motion to grant the Special Permit under Section 5B2 of the Zoning Bylaws to allow the construction of an in-law accessory suite with standard conditions, seconded by Coffey, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Delaney).

Rick Merrikin returned back to the meeting

Case No. 05-19, Wall Street Development Corp., 48 Burns Ave., Comprehensive Permit Request:

Lee opened the hearing, Applicant Lou Petrozzi of Wall Street Development Corp. was present, along with Rob Truax of GLM Engineering and William Scully of Green International. Lee stated that the Board had a posted site visit on 4/2/19 at 9 AM, it was noted that no real evidence was taken and the purpose of site visit was to familiarize the Board with the site itself. Truax presented the proposed plans depicting a total of 7 buildings consisting of 36 condo-style units with a cul de sac and a 24 ft. wide road. Truax stated that the Applicant went before the S&W Board and has been granted approval for water and sewer hookup. Truax stated the proposed drainage does not discharge any water towards the perennial stream and catch basins are to be installed along Burns Ave., that are designed to handle a 100 yr. storm. It was stated that the project is currently before the Conservation Commission with the first hearing on 4/10/19. The proposed planting is shown to re-establish the 25 ft. buffer, along with a proposed fence or buffering of trees along the property of Mr. Conroy. Fitzgerald voiced questions about construction sequencing, Coffey voiced concerns on the materials on site/ soil report. Bill Scully of Green International presented the traffic study and addressed the trip estimates/ peak times of traffic/ queuing and proposed mitigation. Lee opened the hearing to the public for comment which consisted of the following;

Jack Conroy- Burns Ave.: submitted materials to Board, voiced sidewalk concerns.

Liz Barrows- 189 Union St.: concern over adding buildings and drainage related to Pickerel Brook, traffic concerns.

Chris Campbell-35 Burns Ave.: land elevation questions.

Cathy Campbell-35 Burns Ave.: deadline questions.

Mike Coffskey-29 Burns Ave.: number of vehicles for proposed units.

John O'Leary-Washington St.: school bus stops.

Lee raised the outstanding concerns of site access and property ownership, in which Town Counsel Attorney George Pucci of KP Law, P.C. gave a preliminary legal opinion. Lee stated that a peer review is needed for this project regarding what has been submitted. Community Development Director, John Charbonneau will present a scope of work and get several quotes of third party peer reviewers. Murphy made a motion to continue the hearing at the Applicants request to May 29, 2019 at 7PM in the Richard Stillman Community Room of the Walpole Police Dept., seconded by Coffey, the motion carried 5-0-0 (Lee, Murphy, Fitzgerald, Coffey, Merrikin).

Case No. 06-19, Benchmark Senior Living, LLC., 160, 170 & 180 Main St., Modification, Special Permit/ Variance Request:

Lee opened the hearing, Attorney Phil Macchi of Macchi & Macchi was present, along with Bill Cook of Benchmark Senior Living, and James Bernardino of Bohler Engineering. Macchi explained that this project was required to come before the ZBA due to the definitions of "independent living" and "assisted living" having changed since 1986 (year of original decision rendered and approved). Macchi stated that even though the building is physically expanding, the number of proposed units are still below what has been previously permitted- with 100 assisted living units and 150 independent units proposed, where 233 independent units are allowed. Bernardino stated that all of the new proposed parking conforms to the zoning standards. Lee opened the hearing up to the public for comment, which was as follows;

Carol Lane of Wood St.: questions regarding parking regulations

Ann Attaway of Bullard St.: concerns regarding dead trees in backyard that abut the property of project.

With more information needing to be discussed, Murphy made a motion to continue the hearing to June 19, 2019 at 7PM in the Richard Stillman Community Room, at the Walpole Police Dept., seconded by Coffey, the motion carried 5-0-0 (Lee, Murphy, Fitzgerald, Coffey, Merrikin).

Case No. 02-19, Red Cherry, Inc., 1049 Main Street, Variance Request:

Lee opened the hearing, the Applicant or representative of the Applicant were not present. No additional information was submitted to the Board that was previously discussed at the last hearing, and the Applicant did not request a continuance, nor did they request a withdrawal of the application. Due to lack of information submitted and the absence of the Applicant with no communication from them, Murphy made a motion to close the hearing, seconded by Coffey, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin). Murphy made a motion to deny the Application without prejudice, seconded by Coffey, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Merrikin).

Rick Merrikin recused himself from Case No. 01-19

Case No. 01-19, Patricia Pizzano, 98 Summit Ave., Special Permit Request:

Lee opened the hearing, Dan Merrikin of Legacy Engineering was present. Merrikin explained to the Board that an updated plan had been submitted to the ZBA Office earlier during the day, which depicts the house shifted slightly to the left to meet setbacks to the adjacent ROW, along with the house being reduced in size to meet lot coverage requirements on the original lot area. Furthermore, the fee ownership

portions of the adjacent private ways have been excluded from the lot area for the purpose of calculating dimensional zoning requirements. Lee expressed that he would like Town Engineer, Maggie Walker to review the revised plan, along with Town Counsel. To allow proper review of the revised plan, Murphy made a motion to continue the hearing to May 29, 2019 at 7PM in the Richard Stillman Community Room at the Walpole Police Dept., seconded by Coffey, the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Delaney).

Coffey made a motion to adjourn, seconded by Murphy, the motion carried 5-0-0 (Lee, Murphy, Coffey, Fitzgerald, Merrikin)

The meeting adjourned at 11:00 PM